

2011 DRAFTING REQUEST

Bill

Received: **01/27/2011**

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 267-7980**

By/Representing: **Skwarczek**

May Contact:

Drafter: **fknepp**

Subject: **Public Assistance - food stamps**

Addl. Drafters:

Extra Copies: **Pam Kahler**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Skwarczek, BB0262 -

Topic:

Transfer the food stamp program from DHS to DCF

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	fknepp 02/03/2011	nmatzke 02/08/2011	rschluet 02/08/2011	_____	lparisi 02/08/2011		
/P2	fknepp 02/11/2011	nmatzke 02/14/2011	rschluet 02/15/2011	_____	lparisi 02/15/2011		
/1	fknepp 02/17/2011	csicilia 02/17/2011	phenry 02/17/2011	_____	lparisi 02/17/2011		
/2	fknepp	csicilia	jfrantze	_____	mbarman		

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	02/18/2011	02/21/2011	02/21/2011	_____	02/21/2011		

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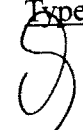
Topic:

Transfer the food stamp program from DHS to DCF

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/P1	fknepp	/P1 ^{nmm} 2/8		_____ _____			

FE Sent For:

<END>

Knepp, Fern

From: Hanaman, Cathlene
Sent: Thursday, January 27, 2011 10:00 AM
To: Dodge, Tamara; Knepp, Fern
Subject: FW: Statutory Language Drafting Request

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Thursday, January 27, 2011 9:51 AM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Gauger, Michelle C - DOA; Skwarczek, Marta A - DOA
Subject: Statutory Language Drafting Request

Topic: Transferring FoodShare to DCF

Tracking Code: BB0262

SBO Team: HSI

SBO Analyst: Skwarczek, Marta A - DOA
Phone: (608) 267-7980
E-mail: Marta.Skwarczek@Wisconsin.gov

Agency Acronym: DHS

Agency Number: 435

Priority: High

Intent:
Starting 1/1/2013, transfer the FoodShare program from DHS to DCF. Authorize the DOA Secretary to transfer funding and positions as necessary.

Attachments: False

Knepp, Fern

From: Skwarczek, Marta A - DOA [Marta.Skwarczek@Wisconsin.gov]
Sent: Thursday, February 10, 2011 11:32 AM
To: Kahler, Pam
Cc: Grimsrud, Sarah - DOA; Gauger, Michelle C - DOA; Knepp, Fern
Subject: RE: Food stamp program

Pam,

I have received some feedback from DHS and DCF regarding the FoodShare draft.

- ✓ 1) Section 9121 -- The section currently reads, "Upon the determination of the employees, the secretary of administration may transfer moneys [between departments]...if necessary to adjust previously allocated costs in accordance with the transfer of personnel..." DHS and DCF recommend the language be broadened to allow DOA to transfer other FoodShare funding, not necessarily associated with positions, i.e., funding for administrative contracts. ✓

- 2) The draft deletes FoodShare from the DHS Income Maintenance appropriation under s. 49.78. On the other side though, it doesn't provide any explicit authority for DCF to determine eligibility for FS, either by itself or by contract with another entity. Under current law, the DHS role is cobbled together by reference to contracting out IM functions (49.78) and 46.208 which says DHS supervises the county administration of social services, other than functions under subch. III in ch. 49 (which is where the transferred FS will go so that doesn't have to be changed). Those county social services duties are in 46.215, 46.22, and 46.23 and phrased in ways that would not conflict with the transfer. It might be advisable to add explicit language to the draft giving DCF authority to perform or contract for FS eligibility, perhaps similar to the language in the Income Maintenance centralization draft (LRB 1019). *DCF has 49.35*

- ✓ 3. DCF indicates that creating 20.437(2)(pa) is not necessary; rather they would like to use 20.437(2)(nn) for the receipt of federal funds for the state administration of the FoodShare program, including contract costs. DCF proposes changing the appropriation language to read: s.20.437 (2) (nn) Federal program operations - Food Stamp administration; federal funds. All moneys received from the federal government or any of its agencies for the state administration of the food stamp program under s.49.37 continuing programs to be expended for the purposes specified. *Ins. 49.39 (1m)*

✓ I also remember that at some point we discussed cleaning up the language in state statutes so that the references to 'food stamps' get updated to reference Food Share and the SNAP program. Are you still going to make those changes? *Marta - yes to update*

Thanks!

Marta Skwarczek
 Health Services and Insurance Team
 Executive Policy and Budget Analyst
 608-267-7980

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Wednesday, February 09, 2011 2:22 PM
To: Skwarczek, Marta A - DOA
Subject: RE: Food stamp program

OK

From: Skwarczek, Marta A - DOA [mailto:Marta.Skwarczek@Wisconsin.gov]
Sent: Wednesday, February 09, 2011 2:06 PM
To: Kahler, Pam
Cc: Knepp, Fern
Subject: FW: Food stamp program

2/10/2011

You can go ahead and delete the possibility for county administration of FoodShare. I think the idea is that we do not want there to be a possibility for DCF to contract with counties to administer FoodShare.

Marta Skwarczek
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

From: Gauger, Michelle C - DOA
Sent: Wednesday, February 09, 2011 12:54 PM
To: Skwarczek, Marta A - DOA
Subject: RE: Food stamp program

I think that deletion is fine.

From: Skwarczek, Marta A - DOA
Sent: Wednesday, February 09, 2011 12:54 PM
To: Gauger, Michelle C - DOA
Cc: Grimsrud, Sarah - DOA
Subject: FW: Food stamp program

What do you think?

Marta Skwarczek
Health Services and Insurance Team
Executive Policy and Budget Analyst
608-267-7980

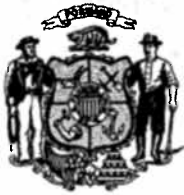
From: Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]
Sent: Wednesday, February 09, 2011 12:52 PM
To: Skwarczek, Marta A - DOA
Cc: Knepp, Fern - LEGIS
Subject: Food stamp program

Marta:

Fern and I are wondering if we should not delete the possibility for county administration of the food stamp program (FoodShare), since the program is being transferred to DCF on January 1, 2013. Even though DHS is creating its own unit for administering IM programs, once FoodShare goes to DCF it won't be an IM program any longer. DHS wouldn't have to contract with counties for administration (we'd make sure the language is permissive, if not already). If DCF would like to, taking counties out and putting them back in the stats. would be very cumbersome.

Pam

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1195/P1

FFK:.....

nmh

In-2-3-11
Today

DOA:.....Skwarczek, BB0262 - Transfer the food stamp program from DHS to DCF

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SAV
X-ref✓

1 ^{don't gen.}
AN ACT ...; relating to: the budget✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DHS administers the Supplemental Nutrition Assistance Program, formerly known as the food stamp program and currently known in Wisconsin as FoodShare, under which eligible low-income individuals and families receive cash assistance to purchase food. ✓ This bill transfers the administration of FoodShare to DCF on January 1, 2013. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 20.435 (4) (bm) of the statutes is amended to read:

3 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
4 *administration; contract costs; insurer reports; and resource centers.* Biennially, the
5 amounts in the schedule to provide a portion of the state share of administrative

contract costs for the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and to provide the state share of administrative costs for the food stamp program under s. 49.79[✓], other than payments to counties and tribal governing bodies under s. 49.78 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs associated with outreach activities, for state administration of state supplemental grants to supplemental security income recipients under s. 49.77, to administer the pharmacy benefits purchasing pool under s. 146.45, and for services of resource centers under s. 46.283. No state positions may be funded in the department of health services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the Medical Assistance program between the subunit of the department primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).[✓]

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.[✓]

NOTE: NOTE: Par. (bm) is shown as amended eff. 1-1-11 by 2009 Wis. Act 28. Prior to 1-1-11 it reads: NOTE:

(bm) Medical Assistance, food stamps, and Badger Care administration; contract costs, insurer reports, and resource centers. Biennially, the amounts in the schedule to provide a portion of the state share of administrative contract costs for the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and to provide the state share of administrative costs for the food stamp program under s. 49.79, other than payments to counties and tribal governing bodies under s. 49.78 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs associated with outreach activities, for state administration of state supplemental grants to supplemental security income recipients under s. 49.77, and for services of resource centers under s. 46.283. No state positions may be funded in the department of health services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the Medical Assistance program between the subunit of the department primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

SECTION 2. 20.435 (4) (bn) of the statutes is amended to read:

20.435 (4) (bn) *Income maintenance*. Biennially, the amounts in the schedule for funeral expenses under s. 49.785, ~~for administration of the food stamp employment and training program under s. 49.79 (9)~~,[✓] for the performance of income maintenance administrative activities on behalf of a local entity, as defined in s. 30.77 (3) (dm) 1. b., and for payments under s. 49.78 (8) relating to the administration of the Medical Assistance program under subch. IV of ch. 49, the Badger Care health care program under s. 49.665, ~~the food stamp program~~, and the cemetery, funeral, and burial expenses program under s. 49.785.[✓]

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

SECTION 3. 20.435 (4) (L) of the statutes is amended to read:

20.435 (4) (L) *Fraud and error reduction*. All moneys received as the state's share of the recovery of overpayments and incorrect payments under ss. 49.497 (1) and (1m), ~~49.793 (2) (a)~~,[✓] and 49.847, all moneys received from counties and tribal governing bodies as a result of any error reduction activities under ss. 49.197 and 49.845, and all moneys credited to this appropriation account under ss. 49.497 (2) (b), ~~49.793 (2) (b)~~,[✓] and 49.847 (3) (b), for any contracts under s. 49.197 (5), and for any activities to reduce error and fraud under s. 49.845, ~~to pay federal sanctions under the food stamp program, and for food stamp reinvestment activities under reinvestment agreements with the federal department of agriculture that are designed to improve the food stamp program.~~[✓]

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16,

69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

1 **SECTION 4.** 20.435 (4) (nn) of the statutes is amended to read:

2 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
3 federal government for the costs of contracting for the administration of the Medical
4 Assistance program under subch. IV of ch. 49 and the Badger Care health care
5 program under s. 49.665 and the food stamp program, other than moneys received
6 under par. (pa), for payments under s. 49.78 (8).✓

****NOTE: Is 20.437 (2) (nn) broad enough to include federal money received for the
administration of the food stamp program?✓

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

7 **SECTION 5.** 20.435 (4) (pa) of the statutes is amended to read:

8 20.435 (4) (pa) *Federal aid; Medical Assistance and food stamp contracts*
9 *administration.*✓ All federal moneys received for the federal share of the cost of
10 contracting for payment and services administration and reporting, other than
11 moneys received under par. (nn), to reimburse 3rd parties for their costs under s.
12 49.475, for administrative contract costs for the food stamp program under s. 49.79,✓
13 and for services of resource centers under s. 46.283.✓

****NOTE: Is 20.437 (2) (nn) broad enough to include federal money received for the
administration of the food stamp program?✓

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.✓

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76, 180, 190, 219, 274, 276, 279, 318, 334.

14 **SECTION 6.** 20.435 (4) (pv) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 7. 20.437 (2) (bm) of the statutes is created to read:

20.437 (2) (bm) *Food stamp program administration*. Biennially, the amounts in the schedule to provide the state share of administrative costs for the food stamp program under s. 49.37, including the food stamp employment and training program under s. 49.37 (9).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 20.437 (2) (L) of the statutes is amended to read:

20.437 (2) (L) *Public assistance overpayment recovery, fraud investigation, and error reduction*. All moneys received as the state's share of the recovery of overpayments and incorrect payments under s. 49.191 (3) (c), 1997 stats., and s. 49.195, 1997 stats., and ^{s.} 49.373 (2) (a), all moneys received from counties and tribal governing bodies as a result of error reduction activities under ss. 49.197 and 49.845, and all moneys credited to this appropriation account under s. 49.373 (2) (b), for any contracts under s. 49.845 (4), for any activities under s. 49.197 (1m) to investigate fraud relating to the Aid to Families with Dependent Children program, the food stamp program, and the Wisconsin Works program, for any activities under s. 49.197 (3) to reduce payment errors in the food stamp program and the Wisconsin Works program, and for costs associated with collection of public assistance overpayments, to pay federal sanctions under the food stamp program, and for food stamp reinvestment activities under reinvestment agreements with the federal department of agriculture that are designed to improve the food stamp program.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; s. 13.92 (2) (i).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9. 20.437 (2) (pa) of the statutes is created to read:

1 20.437 (2) (pa) *Federal aid; Food stamp contracts administration.*✓ All federal
2 moneys received for the federal share of the cost of contracting for payment and
3 services administration and reporting, to reimburse 3rd parties for their
4 administrative contract costs for the food stamp program under s. 49.37.✓

 ****NOTE: Are these costs payable out of s. 20.437 (2) (nn)? If so, I will take this out.✓

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.✓

5 **SECTION 10.** 20.437 (2) (pv) of the statutes is amended to read:

6 20.437 (2) (pv) *Electronic benefits transfer.* All moneys received from the
7 federal government for the electronic transfer of benefits administered by the
8 department of children and families, including the food stamp program under 7 USC
9 2011 to 2036, to be expended for the purposes specified. Estimated disbursements
10 under this paragraph shall not be included in the schedule under s. 20.005.✓

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 47 to 513, 522; 2009 a. 76, 180, 185, 265, 339; s. 13.92 (2) (i).

11 **SECTION 11.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

12 49.155 (1m) (a) 3m. Participate in a job search or work experience component
13 of the food stamp employment and training program under s. ~~49.79 (9)~~ 49.37 (9).✓

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20; 2009 a. 28, 76, 77, 185.

14 **SECTION 12.** 49.197 (1m) of the statutes is amended to read:

15 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2)
16 (dz), (kx), (L), (mc), (md), (me), and (nL), the department shall establish a program
17 to investigate suspected fraudulent activity on the part of recipients of aid to families
18 with dependent children under s. 49.19, on the part of recipients of food stamp
19 benefits under the food stamp program under 7 USC 2011 to 2036,✓ on the part of
20 participants in the Wisconsin Works program under ss. 49.141 to 49.161, and, if the
21 department of health services contracts with the department under sub. (5), on the
22 part of recipients of medical assistance under subch. IV, ~~food stamp benefits under~~

1 ~~the food stamp program under 7 USC 2011 to 2036~~[✓], supplemental security income
2 payments under s. 49.77, payments for the support of children of supplemental
3 security income recipients under s. 49.775, and health care benefits under the
4 Badger Care health care program under s. 49.665. The department's activities under
5 this subsection may include, but are not limited to, comparisons of information
6 provided to the department by an applicant and information provided by the
7 applicant to other federal, state, and local agencies, development of an advisory
8 welfare investigation prosecution standard, and provision of funds to county
9 departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to
10 encourage activities to detect fraud. The department shall cooperate with district
11 attorneys regarding fraud prosecutions.[✓]

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

12 **SECTION 13.** 49.197 (3) of the statutes is amended to read:

13 49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
14 activities to reduce payment errors in Wisconsin Works under ss. 49.141 to 49.161
15 and the food stamp program under 7 USC 2011 to 2036[✓] and, if the department of
16 health services contracts with the department under sub. (5), the Medical Assistance
17 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~[✓], the
18 supplemental security income payments program under s. 49.77, the program
19 providing payments for the support of children of supplemental security income
20 recipients under s. 49.775, and the Badger Care health care program under s. 49.665.[✓]

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

21 **SECTION 14.** 49.197 (4) of the statutes is amended to read:

22 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health
23 services contracts with the department under sub. (5), the department shall provide

1 funds from the appropriation under s. 20.437 (2) (kx) to counties and governing
2 bodies of federally recognized American Indian tribes administering Medical
3 Assistance under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, the
4 supplemental security income payments program under s. 49.77, the program
5 providing payments for the support of children of supplemental security income
6 recipients under s. 49.775, and the Badger Care health care program under s. 49.665
7 to offset administrative costs of reducing payment errors in those programs. ✓

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

8 **SECTION 15.** 49.197 (5) of the statutes is amended to read:

9 49.197 (5) CONTRACTS FOR MEDICAL ASSISTANCE, ~~FOOD STAMPS~~, SUPPLEMENTAL
10 SECURITY INCOME, AND CARETAKER SUPPLEMENT. Notwithstanding s. 49.845 (1) and (2),
11 the department of health services may contract with the department to investigate
12 suspected fraudulent activity on the part of recipients of medical assistance under
13 subch. IV, ~~food stamp benefits under the food stamp program under 7 USC 2011 to~~
14 ~~2036~~, supplemental security income payments under s. 49.77, payments for the
15 support of children of supplemental security income recipients under s. 49.775, and
16 health care benefits under the Badger Care health care program under s. 49.665 and
17 to conduct activities to reduce payment errors in the Medical Assistance program
18 under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~, the
19 supplemental security income payments program under s. 49.77, the program
20 providing payments for the support of children of supplemental security income
21 recipients under s. 49.775, and the Badger Care health care program under s. 49.665,
22 as provided in this section. ✓

History: 1985 a. 29, 176; 1987 a. 27, 413; 1989 a. 31; 1991 a. 39; 1995 a. 27, 289; 1997 a. 27, 35; 2001 a. 16; 2005 a. 25; 2007 a. 20 ss. 1465 to 1466, 9121 (6) (a); 2009 a. 28, 76.

23 **SECTION 16.** 49.22 (6) of the statutes is amended to read:

1 49.22 (6) The department shall establish, pursuant to federal and state laws,
2 rules and regulations, a uniform system of fees for services provided under this
3 section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471;
4 benefits under s. 49.148, 49.155, or ~~49.79~~ [✓]49.37; foster care maintenance payments
5 under 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or
6 long-term kinship care payments under s. 48.57 (3n). The system of fees may take
7 into account an individual's ability to pay. Any fee paid and collected under this
8 subsection may be retained by the county providing the service except for the fee
9 specified in 42 USC 653 (e) (2) for federal parent locator services. ✓

History: 1975 c. 82; 1977 c. 26, 29, 203, 418; 1979 c. 196, 221; 1981 c. 20, 93; 1983 a. 27; 1985 a. 29 ss. 861m to 866, 2390 to 2399; 1987 a. 27; 1987 a. 332 s. 64; 1987 a. 399, 403, 413; 1989 a. 31; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 ss. 2128m to 2134, 9126 (19), 9130 (4); 1995 a. 77, 187, 201, 225, 289; 1995 a. 404 ss. 39 to 43, 45, 46, 48, 173, 174; Stats. 1995 s. 49.22; 1997 a. 27, 105, 191, 237; 1999 a. 32; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1467 to 1472, 9121 (6) (a).

10 **SECTION 17.** 49.32 (7) (b) of the statutes is amended to read:

11 49.32 (7) (b) The department shall conduct a program to periodically match the
12 records of recipients of aid to families with dependent children under s. 49.19 and
13 recipients of food stamp benefits under the food stamp program under 7 USC 2011
14 to 2036 ✓ and, if the department of health services contracts with the department
15 under s. 49.197 (5), recipients of medical assistance under subch. IV ~~and food stamp~~
16 ~~benefits under the food stamp program under 7 USC 2011 to 2036~~ with the records
17 of recipients under those programs in other states. If an agreement with the other
18 states can be obtained, matches with records of states contiguous to this state shall
19 be conducted at least annually. ✓

History: 1995 a. 27 ss. 2035 to 2037, 2276d, 2805 to 2809, 2927 to 2930, 3146 to 3149; 1995 a. 289, 361, 370, 404; 1997 a. 27, 35, 237, 252, 283; 2001 a. 16; 2003 a. 33; 2007 a. 20 ss. 1483 to 1491, 9121 (6) (a); 2009 a. 28.

20 **SECTION 18.** 49.32 (7) (c) of the statutes is amended to read:

21 49.32 (7) (c) The department shall conduct a program to periodically match
22 review the address records of recipients of aid to families with dependent children
23 under s. 49.19 and recipients of food stamp benefits under the food stamp program

1 under 7 USC 2011 to 2036✓ and, if the department of health services contracts with
 2 the department under s. 49.197 (5), recipients of medical assistance under subch. IV
 3 ~~and food stamp benefits under the food stamp program under 7 USC 2011 to 2036~~
 4 to verify residency and to identify recipients receiving duplicate or fraudulent
 5 payments.✓

****NOTE: This section does not say with what the addresses will be matched to
 "verify residency and to identify recipients ..."✓ I changed the verb from "match" to
 "review" in order to avoid naming with what the records are matched.✓ If you prefer
 "match" please let me know the object that the address records are matched against.✓

History: 1995 a. 27 ss. 2035 to 2037, 2276d, 2805 to 2809, 2927 to 2930, 3146 to 3149; 1995 a. 289, 361, 370, 404; 1997 a. 27, 35, 237, 252, 283; 2001 a. 16; 2003 a. 33;
 2007 a. 20 ss. 1483 to 1491, 9121 (6) (a); 2009 a. 28.

6 **SECTION 19.** 49.32 (7) (d) of the statutes is amended to read:

7 49.32 (7) (d) The department, with assistance from the department of
 8 corrections, shall conduct a program to periodically match the records of persons
 9 confined in state correctional facilities with the records of recipients of aid to families
 10 with dependent children under s. 49.19 and food stamp benefits under the food stamp
 11 program under 7 USC 2011 to 2036✓ and, if the department of health services
 12 contracts with the department under s. 49.197 (5), recipients of medical assistance
 13 under subch. IV ~~and food stamp benefits under the food stamp program under 7 USC~~
 14 ~~2011 to 2036~~ to identify recipients who may be ineligible for benefits.✓

History: 1995 a. 27 ss. 2035 to 2037, 2276d, 2805 to 2809, 2927 to 2930, 3146 to 3149; 1995 a. 289, 361, 370, 404; 1997 a. 27, 35, 237, 252, 283; 2001 a. 16; 2003 a. 33;
 2007 a. 20 ss. 1483 to 1491, 9121 (6) (a); 2009 a. 28.

15 **SECTION 20.** 49.78 (1) (b) of the statutes is amended to read:

16 49.78 (1) (b) "Income maintenance program" means the Medical Assistance
 17 program under subch. IV of ch. 49, the Badger Care health care program under s.
 18 49.665, ~~the food stamp program under 7 USC 2011 to 2036~~, or the cemetery, funeral,
 19 and burial expenses program under s. 49.785.✓

Sec #. 49.79 (title); RN 49.37 (title)

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005
 a. 25; 2007 a. 20; 2009 a. 15, 28.

20 **SECTION 21.** 49.79 (1) of the statutes is renumbered 49.37 (1).✓

21 **SECTION 22.** 49.79 (2) of the statutes is renumbered 49.37 (2).✓

1 **SECTION 23.** 49.79 (3) of the statutes is renumbered 49.37 (3).[✓]

2 **SECTION 24.** 49.79 (4) of the statutes is renumbered 49.37 (4) and amended to
3 read:

4 49.37 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
5 department shall withhold the value of food stamp losses for which a county or
6 federally recognized American Indian tribe is liable under sub. (3) from the payment
7 to the county or tribe under ~~income maintenance contracts under s. 49.78~~ contracts
8 for the administration of the food stamp program and reimburse the federal
9 government from the funds withheld.[✓]

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

10 **SECTION 25.** 49.79 (5) of the statutes is renumbered 49.37 (5).[✓]

11 **SECTION 26.** 49.79 (6) of the statutes is renumbered 49.37 (6).[✓]

12 **SECTION 27.** 49.79 (7) of the statutes is renumbered 49.37 (7).[✓]

13 **SECTION 28.** 49.79 (8) of the statutes is renumbered 49.37 (8) and amended to
14 read:

15 49.37 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall provide benefits
16 under this section to a qualified alien who is ineligible for benefits under this section
17 solely because of the application of ~~9~~ 8 USC 1612 or 1613 according to a plan approved
18 by the federal department of agriculture. This subsection does not apply to the
19 extent that federal food stamp benefits for qualified aliens are restored by the federal
20 government.[✓]

****NOTE: This is a technical change to correct a citation to federal law.[✓]

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

21 **SECTION 29.** 49.79 (8m) of the statutes is renumbered 49.37 (8m).[✓]

22 **SECTION 30.** 49.79 (9) (a) 1. of the statutes is renumbered 49.37 (9) (a) 1. and
23 amended to read:

1 49.37 (9) (a) 1. The department shall administer an employment and training
2 program for recipients under the food stamp program and may contract ~~under s.~~
3 49.78[✓] with county departments under ss. 46.215, 46.22, and 46.23, and with tribal
4 governing bodies to carry out the administrative functions. The department may
5 contract, or a county department or tribal governing body may subcontract, with a
6 Wisconsin Works agency or another provider to administer the employment and
7 training program under this subsection. Except as provided in subds. 2. and 3., the
8 department may require able individuals who are 18 to 60 years of age who are not
9 participants in a Wisconsin Works employment position to participate in the
10 employment and training program under this subsection.[✓]

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tjm to 1656tp, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79; 2003 a. 33; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20 ss. 1397, 1399 to 1407, 1662 to 1669.

11 **SECTION 31.** 49.79 (9) (a) 2. of the statutes is renumbered 49.37 (9) (a) 2.[✓]

12 **SECTION 32.** 49.79 (9) (a) 3. of the statutes is renumbered 49.37 (9) (a) 3.[✓]

13 **SECTION 33.** 49.79 (9) (a) 4. of the statutes is renumbered 49.37 (9) (a) 4.[✓]

14 **SECTION 34.** 49.79 (9) (a) 5. of the statutes is renumbered 49.37 (9) (a) 5.[✓]

15 **SECTION 35.** 49.79 (9) (b) of the statutes is renumbered 49.37 (9) (b).[✓]

16 **SECTION 36.** 49.793 (1) of the statutes is renumbered is 49.373 (1).[✓]
Sec. #. 49.793 (+title); RN 49.373 (+title) ✓

17 **SECTION 37.** 49.793 (2) (a) of the statutes is renumbered 49.373 (2) (a).[✓]

18 **SECTION 38.** 49.793 (2) (b) of the statutes is renumbered 49.373 (2) (b) and
19 amended to read:

20 49.373 (2) (b) Any amount that Milwaukee County would otherwise be entitled
21 to retain under par. (a) for the recovery of an overpayment due to the efforts of a
22 department employee or officer, or a county employee or officer under the

management of the department, shall be credited to the appropriation account under

s. ~~20.435 (4) (L)~~ 20.437 (2) (L).[✓]

History: 2001 a. 16 ss. 1656ty, 1656tym; Stats. 2001 s. 49.793; 2009 a. 15.

Sec #. 49.795 (+title); RN 49.375 (+title)[✓]
SECTION 39. 49.795 (1) (intro.) of the statutes is renumbered 49.375 (1) (intro.).[✓]

SECTION 40. 49.795 (1) (a) of the statutes is renumbered 49.375 (1) (a).[✓]

SECTION 41. 49.795 (1) (b) of the statutes is renumbered 49.375 (1) (b).[✓]

SECTION 42. 49.795 (1) (c) of the statutes is renumbered 49.375 (1) (c) and amended to read:

49.375 (1) (c) "Food stamp program" means the federal food stamp program under 7 USC 2011 to ~~2029~~ 2036.[✓]

****NOTE: This is a technical change to reflect new statutory sections relating to the federal food stamp program.[✓]

History: 2001 a. 16 s. 1656tz; Stats. 2001 s. 49.795; 2001 a. 109.

SECTION 43. 49.795 (1) (d) of the statutes is renumbered 49.375 (1) (d).[✓]

SECTION 44. 49.795 (1) (e) of the statutes is renumbered 49.375 (1) (e).[✓]

SECTION 45. 49.795 (2) of the statutes is renumbered 49.375 (2).[✓]

SECTION 46. 49.795 (2m) of the statutes is renumbered 49.375 (2m).[✓]

SECTION 47. 49.795 (3) of the statutes is renumbered 49.375 (3).[✓]

SECTION 48. 49.795 (4) of the statutes is renumbered 49.375 (4).[✓]

SECTION 49. 49.795 (5) of the statutes is renumbered 49.375 (5).[✓]

SECTION 50. 49.795 (6) of the statutes is renumbered 49.375 (6).[✓]

SECTION 51. 49.795 (7) of the statutes is renumbered 49.375 (7).[✓]

SECTION 52. 49.795 (8) of the statutes is renumbered 49.375 (8).[✓]

Sec #. 49.797 (+title); RN 49.377 (+title)

SECTION 53. 49.797 (1) of the statutes is renumbered 49.377 (1) and amended

to read:

49.377 (1) DEFINITION. In this section, "food stamp program" means the federal food stamp program under 7 USC 2011 to ~~2029~~ 2036[✓] or, if the department determines

1 that the food stamp program no longer exists, a nutrition program that the
2 department determines is a successor to the food stamp program.

****NOTE: This is a technical change to reflect new statutory sections relating to the
federal food stamp program.✓

History: 2001 a. 16 ss. 1656u to 1656uc, 1656uj to 1656ut; Stats. 2001 s. 49.797; 2009 a. 28.

3 **SECTION 54.** 49.797 (2) (a) of the statutes is renumbered 49.377 (2) (a) and
4 amended to read:

5 49.377 (2) (a) Notwithstanding s. ~~46.028~~ 49.131✓ and except as provided in par.
6 (b) and sub. (8), the department shall administer a statewide program to deliver food
7 stamp benefits to recipients of food stamp benefits by an electronic benefit transfer
8 system. All suppliers, as defined in s. ~~49.795 (1)~~ (d) 49.375 (1)✓, may participate in the
9 delivery of food stamp benefits under the electronic benefit transfer system. The
10 department shall explore methods by which nontraditional retailers, such as
11 farmers' markets, may participate in the delivery of food stamp benefits under the
12 electronic benefit transfer system.✓

History: 2001 a. 16 ss. 1656u to 1656uc, 1656uj to 1656ut; Stats. 2001 s. 49.797; 2009 a. 28.

13 **SECTION 55.** 49.797 (2) (b) of the statutes is renumbered 49.377 (2) (b).✓

14 **SECTION 56.** 49.797 (4) of the statutes is renumbered 49.377 (4).✓

15 **SECTION 57.** 49.797 (5) of the statutes is renumbered 49.377 (5).✓

16 **SECTION 58.** 49.797 (6) of the statutes is renumbered 49.377 (6).✓

17 **SECTION 59.** 49.797 (7) of the statutes is renumbered 49.377 (7).✓

18 **SECTION 60.** 49.797 (8) of the statutes is renumbered 49.377 (8).✓

19 **SECTION 61.** 49.845 (1) of the statutes is amended to read:

20 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
21 (bn), (kz), (L), and (nn), the department of health services shall establish a program
22 to investigate suspected fraudulent activity on the part of recipients of medical
23 assistance under subch. IV, food stamp benefits under the food stamp program under

1 ~~7 USC 2011 to 2036~~, supplemental security income payments under s. 49.77,
2 payments for the support of children of supplemental security income recipients
3 under s. 49.775, and health care benefits under the Badger Care health care program
4 under s. 49.665 and, if the department of children and families contracts with the
5 department of health services ~~under sub. (4)~~, on the part of recipients of aid to
6 families with dependent children under s. 49.19, recipients of food stamp benefits
7 under the food stamp program under 7 USC 2011 to 2036,[✓] and participants in the
8 Wisconsin Works program under ss. 49.141 to 49.161. The activities of the
9 department of health services under this subsection may include comparisons of
10 information provided to the department by an applicant and information provided
11 by the applicant to other federal, state, and local agencies, development of an
12 advisory welfare investigation prosecution standard, and provision of funds to
13 county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works
14 agencies to encourage activities to detect fraud. The department of health services
15 shall cooperate with district attorneys regarding fraud prosecutions.[✓]

History: 2005 a. 25; 2007 a. 20 ss. 1681 to 1684, 9121 (6) (a); 2009 a. 76 ss. 37q to 37t; s. 13.92 (1) (bm) 2.

16 **SECTION 62.** 49.845 (2) of the statutes is amended to read:

17 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health
18 services shall conduct activities to reduce payment errors in the Medical Assistance
19 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036~~,[✓] the
20 supplemental security income payments program under s. 49.77, the program
21 providing payments for the support of children of supplemental security income
22 recipients under s. 49.775, and the Badger Care health care program under s. 49.665
23 and, if the department of children and families contracts with the department of

1 health services under sub. (4), in Wisconsin Works under ss. 49.141 to 49.161 and the
2 food stamp program under 7 USC 2011 to 2036. ✓

3 History: 2005 a. 25; 2007 a. 20 ss. 1681 to 1684, 9121 (6) (a); 2009 a. 76 ss. 37q to 37t; s. 13.92 (1) (bm) 2.

SECTION 63. 49.847 (1) of the statutes is amended to read:

4 49.847 (1) Subject to ~~ss. s.~~ s. 49.497 (1) ~~and 49.793 (1)~~, the department of health
5 services, or a county or elected governing body of a federally recognized American
6 Indian tribe or band acting on behalf of the department, may recover benefits
7 incorrectly paid under any of the programs administered by the department under
8 this chapter. ✓

9 History: 2005 a. 25; 2007 a. 20 s. 9121 (6) (a); 2009 a. 15.

SECTION 64. 49.847 (2) of the statutes is amended to read:

10 49.847 (2) The department, county, or elected governing body may recover an
11 overpayment from a family or individual who continues to receive benefits under any
12 program administered by the department under this chapter by reducing the
13 family's or individual's benefit amount. ~~Subject to s. 49.793 (1), the~~ The department
14 may by rule specify other methods for recovering incorrectly paid benefits. ✓

15 History: 2005 a. 25; 2007 a. 20 s. 9121 (6) (a); 2009 a. 15.

SECTION 65. 49.847 (3) (a) of the statutes is amended to read:

16 49.847 (3) (a) Subject to ~~ss. s.~~ s. 49.497 (2) ~~and 49.793 (2)~~, and except as provided ✓
17 in par. (b), a county or elected governing body may retain a portion of an amount
18 recovered under this section due to the efforts of an employee or officer of the county,
19 tribe, or band, as provided by the department by rule. ✓

20 History: 2005 a. 25; 2007 a. 20 s. 9121 (6) (a); 2009 a. 15.

SECTION 66. 49.85 (1) of the statutes is amended to read:

21 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
22 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
23 Indian tribe or band determines that the department of health services may recover

1 an amount under s. 49.497, ~~49.793~~[✓], or 49.847, or that the department of children and
2 families may recover an amount under s. 49.161 ~~or~~, 49.195 (3), or 49.373[✓] or collect
3 an amount under s. 49.147 (6) (cm), the county department or governing body shall
4 notify the affected department of the determination. If a Wisconsin Works agency
5 determines that the department of children and families may recover an amount
6 under s. 49.161 ~~or~~, 49.195 (3), or 49.373[✓] or collect an amount under s. 49.147 (6) (cm),
7 the Wisconsin Works agency shall notify the department of children and families of
8 the determination.[✓]

History: 1993 a. 437, 1995 a. 27 ss. 2143 to 2157, 3212, 9126 (19), 9130 (4); Stats. 1995 s. 49.85; 1995 a. 289; 1997 a. 3; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1685 to 1694, 9121 (6) (a).

9 **SECTION 67.** 49.85 (2) (a) (intro.) of the statutes is amended to read:

10 49.85 (2) (a) (intro.) At least annually, the department of health services shall
11 certify to the department of revenue the amounts that, based on the notifications
12 received under sub. (1) and on other information received by the department of
13 health services, the department of health services has determined that it may
14 recover under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~[✓], or 49.847, except that the
15 department of health services may not certify an amount under this subsection
16 unless all of the following apply:[✓]

History: 1993 a. 437, 1995 a. 27 ss. 2143 to 2157, 3212, 9126 (19), 9130 (4); Stats. 1995 s. 49.85; 1995 a. 289; 1997 a. 3; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1685 to 1694, 9121 (6) (a).

17 **SECTION 68.** 49.85 (2) (b) of the statutes is amended to read:

18 49.85 (2) (b) At least annually, the department of children and families shall
19 certify to the department of revenue the amounts that, based on the notifications
20 received under sub. (1) and on other information received by the department of
21 children and families, the department of children and families has determined that
22 it may recover under ~~ss. s.~~ 49.161, and 49.195 (3) ~~and~~, or 49.373[✓] or collect under s.
23 49.147 (6) (cm), except that the department of children and families may not certify

1 an amount under this subsection unless it has met the notice requirements under
2 sub. (3) and unless its determination has either not been appealed or is no longer
3 under appeal.✓

History: 1993 a. 437, 1995 a. 27 ss. 2143 to 2157, 3212, 9126 (19), 9130 (4); Stats. 1995 s. 49.85; 1995 a. 289; 1997 a. 3; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1685 to 1694, 9121 (6) (a).

4 **SECTION 69.** 49.85 (3) (a) 1. of the statutes is amended to read:

5 49.85 (3) (a) 1. Inform the person that the department of health services
6 intends to certify to the department of revenue an amount that the department of
7 health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~,
8 or 49.847, for setoff from any state tax refund that may be due the person.✓

History: 1993 a. 437, 1995 a. 27 ss. 2143 to 2157, 3212, 9126 (19), 9130 (4); Stats. 1995 s. 49.85; 1995 a. 289; 1997 a. 3; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1685 to 1694, 9121 (6) (a).

9 **SECTION 70.** 49.85 (3) (b) 1. of the statutes is amended to read:

10 49.85 (3) (b) 1. Inform the person that the department of children and families
11 intends to certify to the department of revenue an amount that the department of
12 children and families has determined to be due under s. 49.161 ~~or~~, 49.195 (3), or
13 49.373, or to be delinquent under a repayment agreement for a loan under s. 49.147
14 (6), for setoff from any state tax refund that may be due the person.✓

History: 1993 a. 437, 1995 a. 27 ss. 2143 to 2157, 3212, 9126 (19), 9130 (4); Stats. 1995 s. 49.85; 1995 a. 289; 1997 a. 3; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20 ss. 1685 to 1694, 9121 (6) (a).

15 **SECTION 71.** 71.93 (1) (a) 3. of the statutes is amended to read:

16 71.93 (1) (a) 3. An amount that the department of health services may recover
17 under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, if the department of health
18 services has certified the amount under s. 49.85.

History: 1987 a. 312; 1989 a. 31; 1993 a. 437; 1995 a. 27 ss. 3427 to 3429, 9126 (19), 9130 (4); 1995 a. 404; 1997 a. 3, 27; 2001 a. 16; 2003 a. 33; 2005 a. 25, 59, 254; 2007 a. 20 ss. 2141 to 2142, 9121 (6) (a); 2007 a. 97, 200; 2009 a. 28.

19 **SECTION 72.** 71.93 (1) (a) 4. of the statutes is amended to read:

71.93 (1) (a) 4. An amount that the department of children and families may recover under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect under s. 49.147 (6) (cm), if the department of children and families has certified the amount under s. 49.85.

History: 1987 a. 312; 1989 a. 31; 1993 a. 437; 1995 a. 27 ss. 3427 to 3429, 9126 (19), 9130 (4); 1995 a. 404; 1997 a. 3, 27; 2001 a. 16; 2003 a. 33; 2005 a. 25, 59, 254; 2007 a. 20 ss. 2141 to 2142, 9121 (6) (a); 2007 a. 97, 200; 2009 a. 28.

SECTION 73. 102.29 (8r) of the statutes is amended to read:

102.29 (8r) No participant in a food stamp employment and training program under s. ~~49.79 (9)~~ 49.37 (9) who, under s. ~~49.79 (9) (a) 5.~~ 49.37 (9) (a) 5., is provided worker's compensation coverage by the department of ~~health services~~ children and families or by a Wisconsin Works agency, as defined in s. 49.001 (9), or other provider under contract with the department of ~~health services~~ children and families or a county department under s. 46.215, 46.22, or 46.23 or tribal governing body to administer the food stamp employment and training program and who makes a claim for compensation under this chapter may make a claim or maintain an action in tort against the employer who provided the employment and training from which the claim arose.

History: 1975 c. 147 ss. 24, 54; 1977 c. 195; 1979 c. 323 s. 33; 1981 c. 92; 1985 a. 83 s. 44; 1985 a. 332 s. 253; 1987 a. 179; 1989 a. 64; 1995 a. 117, 289; 1997 a. 38; 1999 a. 9, 14; 2001 a. 16, 37; 2003 a. 144; 2005 a. 96, 172, 253; 2007 a. 20 ss. 2645, 9121 (6) (a); 2007 a. 97, 185; 2009 a. 42, 154.

SECTION 9121. Nonstatutory provisions; Health Services.

create
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AR

(1) FOOD STAMP PROGRAM TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES.

(a) *Employee transfers.* The classified positions, and incumbent employees holding positions, in the department of health services relating primarily to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, are transferred to the department of children and families. Upon determination of these employees, the secretary of administration may transfer moneys between the general purpose revenue appropriations for the department of health services and the department of children and families, between the program revenue appropriations for the department of health services and the department of

1 children and families, between the program revenue-service appropriations for the
2 department of health ^{services} (and the department of children and families, between the
3 appropriations of given segregated funds for the department of health services and
4 the department of children and families, and between the federal revenue
5 appropriations for the department of health services and the department of children
6 and families, if necessary to adjust previously allocated costs in accordance with the
7 transfer of personnel.✓

8 (b) *Employee status.* Employees transferred under paragraph (a) ^{use AR B} shall have the
9 same rights and status under subchapter V of chapter 111✓ and chapter 230✓ of the
10 statutes, as affected by this act, in the department of children and families that they
11 enjoyed in the department of health services immediately before the transfer.✓
12 Notwithstanding section 230.28 (4)✓ of the statutes, no employee so transferred who
13 has attained permanent status in class is required to serve a probationary period.✓

14 (c) *Tangible personal property.* On the effective date of this paragraph,✓ all
15 tangible personal property, including records, of the department of health services
16 that is primarily related to the food stamp program under section 49.79, 2009 stats.,✓
17 as determined by the secretary of administration, shall be transferred to the
18 department of children and families.✓

19 (d) *Contracts.* All contracts entered into by the department of health services
20 in effect on the effective date of this paragraph✓ that are primarily related to the
21 related to the food stamp program under section 49.79, 2009 stats.,✓ as determined
22 by the secretary of administration,✓ remain in effect and are transferred to the
23 department of children and families.✓ The department of children and families shall
24 carry out any such contractual obligations unless modified or rescinded by the
25 department of children and families to the extent allowed under the contract.✓

(e) *Pending matters.* Any matter pending with the department of health services on the effective date of this paragraph that is primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, is transferred to the department of children and families and all materials submitted to or actions taken by the department of health services with respect to the pending matter are considered as having been submitted to or taken by the department of children and families.

(f) *Rules and orders.* All rules promulgated by the department of health services that are primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of children and families. All orders issued by the department of health services that are primarily related to the food stamp program under section 49.79, 2009 stats., as determined by the secretary of administration, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department of children and families.

SECTION 9321. Initial applicability; Health Services.

(1) **FOOD STAMP TRANSFER; INCOME MAINTENANCE CONTRACTS.** The treatment of section 49.78 (1) (b) of the statutes first applies to contracts for the administration of income maintenance programs in 2013.

SECTION 9421. Effective dates; Health Services.

(1) FOOD STAMP PROGRAM TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES.

The repeal of section 20.435 (4) (pv) of the statutes; the renumbering of sections 49.79(1), (2), (3), (5), (6), (7), (8m), (9)(a) 2., 3., 4., 5. and (9)(b), 49.793(1) and (2)(a), 49.795

SECTION 9421

1 (1) (intro.), ^e(1)(a), (b), (d), ^{and}(e), (2), (2m), (3), (4), (5), (6), (7), and (8), 49.797 (2) (b), (4),
 2 (5), (6), (7) ^{and}and (8) of the statutes; the renumbering and amendment of sections 49.79
 3 (4), (8), and (9) (a) 1., 49.793 (2) (b), 49.795 (1) (c) ^{and}and 49.797 (1) and (2) (a) of the
 4 statutes; the amendment of sections 20.435 (4) (bm), 20.435 (4) (bn), 20.435 (4) (L),
 5 20.435 (4) (nn), ^{e and}20.435 (4) (pa), 20.437 (2) (L), ^{e and}20.437 (2) (pv), 49.155 (1m) (a) 3m.,
 6 49.197 (1m), (3), (4), and (5), 49.22 (6), 49.32 (7) (b), (c), and (d), 49.78 (1) (b), 49.845
 7 (1) ^{and}and (2), ^{and (4) (4) (4) and (a) 1.}49.847 (1), (2), and (3) (a), 49.85 (1), (2) (a) (intro.) and (b), ^{and}(3) (a) 1. and
 8 (b) 1., 71.93 (1) (a) 3. and 4. and 102.29 (8r) of the statutes; and the creation of section
 9 20.437 (2) (bm) and 20.437 (2) (pa) and SECTION 9121 (X-ref A) of this act take effect
 10 on January 1, 2013. ^{use A.R.A}

11 **AN ACT to repeal** 20.435 (4) (pv); **to renumber** 49.79 (1), 49.79 (2), 49.79 (3), ~~49.79 (4)~~,
 12 49.79 (5), 49.79 (6), 49.79 (7), 49.79 (8m), 49.79 (9) (a) 2., 49.79 (9) (a) 3., 49.79 (9) (a) 4.,
 13 49.79 (9) (a) 5., 49.79 (9) (b), 49.793 (1), 49.793 (2) (a), 49.795 (1) (intro.), 49.795 (1) (a),
 14 49.795 (1) (b), 49.795 (1) (d), 49.795 (1) (e), 49.795 (2), 49.795 (2m), 49.795 (3), 49.795 (4),
 15 49.795 (5), 49.795 (6), 49.795 (7), 49.795 (8), 49.797 (2) (b), 49.797 (4), 49.797 (5), 49.797
 16 (6), 49.797 (7) and 49.797 (8); **to renumber and amend** 49.79 (4), 49.79 (8), 49.79 (9) (a)
 17 1., 49.793 (2) (b), 49.795 (1) (c), 49.797 (1) and 49.797 (2) (a); **to amend** 20.435 (4) (bm),
 18 20.435 (4) (bn), 20.435 (4) (L), 20.435 (4) (nn), 20.435 (4) (pa), 20.437 (2) (L), 20.437 (2) (pv),
 19 49.155 (1m) (a) 3m., 49.197 (1m), 49.197 (3), 49.197 (4), 49.197 (5), 49.22 (6), 49.32 (7) (b),
 20 49.32 (7) (c), 49.32 (7) (d), 49.78 (1) (b), 49.845 (1), 49.845 (2), 49.847 (1), 49.847 (2), 49.847
 21 (3) (a), 49.85 (1), 49.85 (2) (a) (intro.), 49.85 (2) (b), 49.85 (3) (a) 1., 49.85 (3) (b) 1., 71.93
 22 (1) (a) 3., 71.93 (1) (a) 4. and 102.29 (8r); and **to create** 20.437 (2) (bm) and 20.437 (2) (pa)
 23 of the statutes; **relating to:** the budget.

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1195ins/P1
FFK:.....

Insert p.16, line 2

SECTION 1. 49.845 (4) (title) of the statutes is amended to read:

49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS AND THE FOOD STAMP PROGRAM. ✓

SECTION 2. 49.845 (4) (a) 1. of the statutes is amended to read:

49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of children and families may contract with the department of health services to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19, recipients of food stamp benefits under the food stamp program under 7 USC 2011 to 2036, ✓ and participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce payment errors in the food stamp program under 7 USC 2011 to 2036 ✓ and Wisconsin Works under ss. 49.141 to 49.161, as provided in this section. If any employee of the department of health services reasonably suspects that fraudulent activity as described in this subdivision has occurred or is occurring, the employee shall immediately report the facts and circumstances contributing to that suspicion to the employee's immediate supervisor.

NOTE: NOTE: Par. (a) 2. and 3., (b), (c), and (d) were created as s. ~~49.895~~ (4) (a) 2. and 3., (b), (c), and (d) by 2009 Wis. Act 76 and renumbered by the legislative reference bureau under s. 13.92 (1) (bm) 2. NOTE:

History: 2005 a. 25; 2007 a. 20 ss. 1681 to 1684; 9121 (6) (a); 2009 a. 76 ss. 37q to 37t; s. 13.92 (1) (bm) 2.